

Application No. 10/606,498
Amendment dated May 9, 2005
Reply to Office Action of February 9, 2005

REMARKS

This Amendment is submitted in response to the Office Action mailed February 9, 2005. Claims 1-25 remain pending in this application prior to this amendment and stand rejected. Claims 1, 4, 16 and 17 have been amended and claims 2, 3, 14, 15, 18 and 25 have been canceled herein. Applicants assert that the claims are now in complete condition for allowance and respectfully request reconsideration in view of the following remarks.

Claims Rejected Under 35 U.S.C. §102

Claims 1-3, 5, 8, 10-16, 17, 18 and 22-25 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,089,522 to Haslem et al. Claims 1 and 17 are the only independent claims of this rejected group and are directed to chairs for supporting and spacing concrete reinforcement member. Claim 1 has been amended to recite:

a unitary integrally formed body including an upper receiving area and a lower base,

the receiving area adapted to receive the concrete reinforcement members and including at least two pairs of diametrically opposed notches,

wherein the two pairs of diametrically opposed notches have different depths, the chair being adapted to support the reinforcement members at different heights and in perpendicular relationships to one another,

the base adapted to rest on a planar support surface,

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the body having an inner surface and an outer surface, the surfaces being substantially complementary to each other to allow a plurality of chairs to be stacked within one another for storage and shipment, and

a plurality of ribs on the outer surface and extending outwardly from an outer profile of the body to facilitate separating individual chairs from a stack.

Similarly, claim 17 has been amended to recite:

a unitary, integrally formed, hollow body including an inner surface, an outer surface, a receiving area, and a base,

the base defining a lower opening and adapted to rest on a planar support surface,

the receiving area adapted to receive and support the concrete reinforcement members,

the receiving area including a first and a second pair of notches, the second pair of notches being oriented ninety degrees from the first pair, the first pair of notches being deeper than the second pair of notches, wherein the reinforcement members can be positioned at different heights and in perpendicular relationships to one another within the receiving area,

the base including a plurality of support legs defining a plurality of apertures therebetween, the apertures operable to allow poured concrete to pass fluidly through the chair;

wherein the body is generally funnel-shaped with the lower opening being larger than the receiving area, and the inner and outer surfaces being substantially complementary to each other to allow a plurality of chairs to be stacked within each other for storage and shipment and a plurality of ribs on the outer surface and extending outwardly from an outer profile of the body to facilitate separating an individual chair from a stack.

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As amended, claims 1 and 17 now include elements recited in originally filed claims 2, 3, 14, 15, 18 and 25, which have been canceled. Accordingly, Applicants assert that the amendments to claims 1 and 17 add no new matter.

Applicants further assert that amended claims 1 and 17 are in condition for allowance because Haslem '522 does not teach nor suggest every element recited in these claims. Specifically, Haslem '522 does not teach nor suggest a support chair having a unitary body with notches formed at different depths into a receiving portion. Rather, Haslem '522 utilizes a separately attached headpiece (e.g. headpiece 100) that has notches formed at different depths. Moreover, Haslem '522 does not teach nor suggest "a plurality of ribs on an outer surface of the body and extending outwardly from the outer surface to facilitate separating individual chairs from a stack." Instead, the corrugations 90 formed into the body 10 of Haslem '522 do not extend outwardly beyond an outer profile of the body to facilitate separating chairs from a stack. For at least these reasons, Applicants respectfully request that the rejections of claims 1 and 17 over Haslem '522 be withdrawn.

Claims 5, 8, 10-13 and 16 each depend from amended claim 1, and claims 22-24 each depend from amended claim 17. Accordingly, each of these claims include the features recited in their respective independent claims and are in condition for allowance for at least the reasons stated above for claims 1 and 17. For at least these

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reasons, Applicants respectfully request that the rejections of claims 5, 8, 1-13, 16 and 22-24 over Haslem '522 be withdrawn.

Claims Rejected Under 35 U.S.C. §103

Claims 4, 6, 7, 9, and 19-21 stand rejected under 35 U.S.C. §103(a) over Haslem '522, either alone or in combination with U.S. Patent No. 6,732,484 to Sotelo et al. or U.S. Patent No. 5,7239,949 to Hartzheim. Claims 4, 6, 7 and 9 each depend from amended claim 1, and claims 19-21 each depend from amended claim 17.

Accordingly, each of these claims includes all features recited in their respective independent claims. Applicants assert that the amendments to claims 1 and 17 overcome the rejections of these claims under 35 U.S.C. §103(a) for at least the reasons stated above, and because neither Sotelo '484 nor Hartzheim '949 teach nor suggest a modification of Hazlem '522 that overcomes the deficiencies of Hazlem '522 discussed above. Accordingly, Applicants respectfully request that the rejections of claims 4, 6, 7, 9, and 19-21 under 35 U.S.C. §103(a) be withdrawn.

In view of the foregoing amendments to the claims and remarks given herein, Applicants respectfully believe this case is in condition for allowance and respectfully request allowance of the pending claims. If the Examiner believes any detailed language of the claims requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

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Applicants are of the opinion that no additional fee is due as a result of this amendment. If any charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,

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